IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4373 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PETROFILS EMPLOYEES CONGRESS

Versus

PETROFILS CO OP LTD

Appearance:

1. Special Civil Application No. 4373 of 1991

MR MK VAKHARIA for Petitioner No. 1

MR TUSHAR MEHTA for Petitioner No. 1

M/S TRIVEDI & GUPTA for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 13/02/2002

ORAL JUDGEMENT

Mr.M.K.Vakharia appearing for the petitioners states that pending this petition the plant in which the

petitioners were working is closed and at present the same is under control of the Official Liquidator. On account of this development it is apparent that when the petitioners themselves are not working in the plant this petition becomes infructuous. If the petitioners have any grievance regarding their wages etc they can raise such grievance before appropriate forum in accordance with law. At this stage, Mr.Vakharia contended that in case if the plant is restarted the petitioner can have right to agitate which is raised in this petition. It is obvious that on account of subsequent development in the matter. When this court has not examined the legality and validity of the action of the respondents which is under challenge, in case the plant is restarted, it will be a afresh cause of action which can very well be agitated by the petitioner by filing appropriate proceedings.

Subject to aforesaid clarification, this petition is disposed of. Rule is discharged. Liberty is granted to apply in case of any difficulty.

13.2.2002 (JAYANT PATEL,J)